



Bombardier Aerospace

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August 28, 1997

Federal Aviation Administration
Office of Chief Counsel (AGC-200)
800 Independence Avenue SW
Washington DC 20591
USA

Attention: Rules Docket No. 28903

Subject: Type Certification Procedures for Changed Products
NPRM 97-7

Dear Sir/Madam

As an original and active participant in the International Certification Procedures Task Force (ICPTF), Bombardier Aerospace are pleased to finally see FAA follow JAA in making a formal rule change proposal.

Nevertheless, NPRM 97-7 is different in key areas from the ICPTF and ARAC recommendation, as submitted to FAA October 14, 1994. These differences are sufficiently meaningful that Bombardier Aerospace believe changes to the published FAA criteria are necessary. This applies to both the FAR 21 rule change and draft Advisory Circular 21.101.XX.

Our areas of concern are principally:

1. Understanding the proposal to add FAR 21.101(e):

In particular, the requirement that products approved under 21.25 which undergo change will be assessed against the new procedures. The ICPTF proposal specifically excluded 'restricted' category aircraft from the new formal Certification Basis procedures, as compliance with the 'applicable' regulations (whether earlier or latest) was not required for the original model when justified with the regulating Authority.

2. FAA reluctance to use the "safety benefit - resource evaluation guide" as an acceptable means of compliance for the determination of "impractical".
FAA played an active role in ICPTF deliberations. The activity that

developed the resource evaluation guide passed through many tollgates established by all the Regulatory Agencies involved. It is disappointing to see a FAA change of position at this stage.



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3. Rearrangements in the ICPTF Advisory Material recommendation which change the emphasis of key elements of the revised procedures (in determining the Certification Basis):

Advisory Material is available to complement an understanding of the associated rule as well as providing an acceptable means of compliance.

It is our opinion that changes made by FAA, in the re-arrangement of key explanatory sentences and paragraphs, will give rise to mis-interpretation and a lack of consistent understanding of what are the essential parameters of the changes. In addition, FAA changes in one section, including the flow chart in FIGURE 1, conflict with original ICPTF text and place a revised emphasis on who does what (FAA vs. the Applicant) in the new procedures.

4. The lack of harmonization with the equivalent JAA Proposal:

JAA NPA 21-7 closely matches the ICPTF recommendation in both the rule change and Advisory Material. As FAA have deviated from the ICPTF recommendation with NPRM 97-7, it is clear that there remains a fundamental difference in approach between the Agencies; something which was to have been resolved by the "International" nature of the Task Force. This lack of harmonization is very evident, notwithstanding several FAA statements in the NPRM which claim harmonization with JAA has been achieved.

Considerable effort would be required to re-work NPRM 97-7 into a proposal that reflects the intent of the ICPTF recommendation and equivalent JAA rulemaking. Hence, Bombardier Aerospace believe the more prudent approach is to adopt the original ICPTF and ARAC criteria. It is also in our interest that the Canadian entities of Bombardier Aerospace have a similar understanding of the new procedural regulations with Transport Canada, who were themselves essential participants in, and fully supportive of, the ICPTF recommendations.

We appreciate the opportunity to contribute to the FAA rulemaking process and look forward to your consideration of our comments.

A handwritten signature in black ink, appearing to read "ICBA" followed by a stylized flourish.

Keith A. Barnett
CRJ Series 700 Project Integrator
ICPTF Member